

REMARKS

This request for reconsideration is being filed in response to the Office Action dated January 3, 2007. In view of these remarks, this application should be allowed and the case passed to issue.

Claims 1-12 are pending in this application. Claims 1-12 are rejected.

Claim Rejections Under 35 U.S.C. § 112

Claims 1-12 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Examiner averred that the drawings do not show that the first carrier transporting layer 28 and light emitting layer 22 are continuous layers. This rejection is traversed, and reconsideration and withdrawal thereof respectfully requested.

The specification clearly teaches that Fig. 3 is a view taken across a row of different color pixels (page 13, lines 7-9). Whereas, the claims clearly require that the first carrier transporting layer and light emitting layer are continuous layers in at least two adjacent pixels of the same color. As explained in the specification (page 14, lines 13-20) and shown in Fig. 1, adjacent pixels of the same color can be arranged in columns, while across a row immediately adjacent pixels are different colors. Applicants submit that the claims fully comport with the requirements of 35 U.S.C. § 112.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-4 and 7-10 were rejected under 35 U.S.C. § 102(e) as being anticipated by Yokoyama (U.S. Pat. No. 6,995,517). The Examiner averred that Yokoyama teaches the claimed organic electroluminescent display apparatus. The Examiner concluded that the light emitting layer (62) and the first carrier transporting layer (63) do not have to be continuous in at least two adjacent pixels of the same color.

Claims 1-12 were rejected under 35 U.S.C. § 102(e) as being anticipated by Fukuda (U.S. Pat. No. 6,541,130). The Examiner averred that Fukuda teaches the claimed organic electroluminescent display apparatus. The Examiner concluded that the light emitting layer (43) and the first carrier transporting layer (42) do not have to be continuous in at least two adjacent pixels of the same color.

These rejections are traversed, and reconsideration and withdrawal thereof respectfully requested. The following is a comparison between the present invention, as claimed and the cited prior art.

An aspect of the invention, per claim 1, is an organic electroluminescent display apparatus comprising a plurality of organic electroluminescent devices constituting a plurality of pixels of different colors, wherein a light emitting layer and a first carrier transporting layer are formed to be continuous layers, respectively, in at least two of the adjacent organic electroluminescent devices constituting pixels of the same color.

Another aspect of the invention, per claim 7, is a method of fabricating an organic electroluminescent display apparatus comprising a plurality of organic electroluminescent devices constituting a plurality of pixels of different colors comprising the steps of: forming light emitting layers of at least two of adjacent organic electroluminescent devices constituting the pixels of the same color to be a continuous layer; and forming first carrier transporting layers of at least two of adjacent organic electroluminescent devices constituting the pixels of the same color to be a continuous layer.

Yokoyama and Fukuda do not anticipate the claimed organic electroluminescent apparatus and method of fabricating an organic electroluminescent display apparatus because Yokoyama and Fukuda do not disclose a plurality of pixels of different colors, wherein a light

emitting layer and a first carrier transporting layer are formed to be **continuous layers**, respectively, in at least two of the adjacent organic electroluminescent devices constituting pixels of the same color, as required by claim 1; and forming light emitting layers of at least two of adjacent organic electroluminescent devices constituting the pixels of the same color to be a **continuous layer**; and forming first carrier transporting layers of at least two of adjacent organic electroluminescent devices constituting the pixels of the same color to be a **continuous layer**, as required by claim 7.

The Examiner has apparently misinterpreted the teaching of Fig. 3 of the present application. The Examiner has apparently interpreted Fig. 3 as illustrating a column of pixels of the same color, rather than a row of pixels of different colors. Further, Yokoyama expressly teach that discrete, not continuous, light emitting layers and carrier transporting layers are formed (column 2, lines 25-28 and 50-52).

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the disclosure in a single reference of each element of a claimed invention. *Helifix Ltd. v. Blok-Lok Ltd.*, 208 F.3d 1339, 54 USPQ2d 1299 (Fed. Cir. 2000); *Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994); *Hoover Group, Inc. v. Custom Metalcraft, Inc.*, 66 F.3d 399, 36 USPQ2d 1101 (Fed. Cir. 1995); *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992); *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). Because Yokoyama and Fukuda do not disclose a plurality of pixels of different colors, wherein a light emitting layer and a first carrier transporting layer are formed to be continuous layers, respectively, in at least two of the adjacent organic electroluminescent devices constituting pixels of the same color, as required by claim 1; and forming light emitting

layers of at least two of adjacent organic electroluminescent devices constituting the pixels of the same color to be a continuous layer; and forming first carrier transporting layers of at least two of adjacent organic electroluminescent devices constituting the pixels of the same color to be a continuous layer, as required by claim 7, Yokoyama and Fukuda do not anticipate claims 1 and 7.

Applicants further submit that Yokoyama and Fukuda do not suggest the claimed organic electroluminescent apparatus and method of fabricating an organic electroluminescent display apparatus.

Claim Rejections Under 35 U.S.C. § 103

Claims 5, 6, 11, and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yokoyama (U.S. Pat. No. 6,995,517). This rejection is traversed, and reconsideration and withdrawal thereof respectfully requested.

The Examiner acknowledged that Yokoyama does not disclose that the light emitting and the first carrier transporting layers constitute pixels of at least two colors containing the same organic material and that layers have different thicknesses. The Examiner concluded that these limitations would have been obvious design choices.

Dependent claims 5, 6, 11, and 12 are allowable for at least the same reasons as independent claims 1 and 7. Furthermore, the Examiner has not provided any evidence for the assertion that the claims would have been obvious.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge readily available to one of ordinary skill in the art. *In re Kotzab*, 217 F.3d 1365,

1370 55 USPQ2d 1313, 1317 (Fed. Cir. 2000); *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). There is no suggestion in Yokoyama or Fukuda to modify their respective apparatuses and methods to provide an organic electroluminescent apparatus comprising a plurality of pixels of different colors, wherein a light emitting layer and a first carrier transporting layer are formed to be **continuous layers**, respectively, in at least two of the adjacent organic electroluminescent devices constituting pixels of the same color, as required by claim 1; and a method of fabricating an electroluminescent display comprising the steps of forming light emitting layers of at least two of adjacent organic electroluminescent devices constituting the pixels of the same color to be a **continuous layer**; and forming first carrier transporting layers of at least two of adjacent organic electroluminescent devices constituting the pixels of the same color to be a **continuous layer**, as required by claim 7.

The only teaching of the claimed method and apparatus, is found in Applicants' disclosure. However, the teaching or suggestion to make a claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). The Examiner's unsupported conclusory statements are not sufficient to establish a prima facie case of obviousness.

The dependent claims are allowable for at least the same reasons as the independent claims from which they depend and further distinguish the claimed apparatus and method. For example, claim 3 further requires that each organic electroluminescent device further comprises a second carrier transporting layer between the first electrode and the light emitting layer, each of said first electrodes of the organic electroluminescent devices constituting respective pixels is

independently formed, and the second carrier transporting layers in a plurality of organic electroluminescent devices constituting at least two pixels are formed to be a continuous layer.

Claim 9 further requires that the step of forming first electrodes includes the step of independently forming each of the first electrodes of the organic electroluminescent devices constituting respective pixels, the method further comprising the step of forming, on a plurality of the first electrodes, the second carrier transporting layers of a plurality of organic electroluminescent devices constituting at least two pixels to be a continuous layer. The cited references do not suggest the claimed apparatus and method with these additional limitations.

In view of the above remarks, Applicants submit that this application should be allowed and passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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